

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/10/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
FRANCISCO TUY XEP, *on behalf of himself and all others* :
similarly situated, :
:

Plaintiff, :

1:23-cv-450-GHW

-against- :

DE HOOP CORP, *doing business as Kaia Wine Bar, and* :
SUZAAN HAUPTFLEISCH, :

Defendants. :
:
----- X

ORDER


GREGORY H. WOODS, District Judge:

On July 10, 2024, the parties filed a stipulation, signed by counsel for both parties, agreeing to withdraw the jury demand. Dkt. No. 43. This stipulation is effective to deem the jury demand withdrawn. *See* Fed. R. Civ. P. 38(d) (“A proper demand [for a jury trial] may be withdrawn only if the parties consent.”); *see also* Fed. R. Civ. P. 39(a) (“When a jury trial has been demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury unless: (1) the parties or their attorneys file a stipulation to a nonjury trial or so stipulate on the record; or (2) the court, on motion or on its own, finds that on some or all of those issues there is no federal right to a jury trial.”).

The parties should be prepared to discuss potential dates for a bench trial at the July 11, 2024 conference.

SO ORDERED.

Dated: July 10, 2024
New York, New York



GREGORY H. WOODS
United States District Judge